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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 10/074,917      | 02/14/2002  | Kuan Kuan Sung       |                     | 8450             |

7590 01/14/2004

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EXAMINER

KOCZO JR, MICHAEL

| ART UNIT | PAPER NUMBER |
|----------|--------------|
|----------|--------------|

3746

DATE MAILED: 01/14/2004

14

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/074,917

Applicant(s)

SUNG, KUAN KUAN

Examiner

Michael Koczo, Jr.

Art Unit

3746

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 04 November 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 21-29 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 21-29 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 04 November 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
- a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

## Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Specification***

The substitute specification filed November 4, 2003 has not been entered because the lines are crowded too closely together, making reading and entry of amendments difficult. A substitute specification with lines one and one-half or double spaced on good quality paper are required. See 37 CFR 1.52(b).

### ***Claim Objections***

The numbering of claims is not in accordance with 37 CFR 1.126 which requires the original numbering of the claims to be preserved throughout the prosecution. When claims are canceled, the remaining claims must not be renumbered. When new claims are presented, they must be numbered consecutively beginning with the number next following the highest numbered claims previously presented (whether entered or not).

The application was originally filed with claims 1 to 10. The amendment of July 3, 2003 cancelled the original claims 1 to 10 and submitted new claims 1 to 10, which were renumbered as claims 11 to 20. The claims of applicant's amendment of November 4, 2003 have therefore been renumbered as claims 21 to 29 and the claims of July 3, 2003 have been cancelled.

Applicant is required to henceforth maintain the correct claim numbering.

***Claim Rejections - 35 USC § 112***

Claims 1 to 5 are rejected under 35 U.S.C. 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. Regarding the description of the embodiment of figure 5, it is not understood how the rotor 100 and bearing 2 are axially supported relative to axle tube 6. That is, what prevents the bearing 2 and rotor 100 from dropping down and contacting the top surface of base 107? This would cause sufficient friction to effectively render the device useless.

Claim 24 recites "said flange serving to provide a loose fit between said fan rotor and said axial tube". It is not understood how the flange affects the fit between the fan rotor and the axial tube. There is no description of this in the specification.

Claim 25 recites "the exterior surface of said axial tube is of a concave shape or grooved, to reduce friction". It is not see how these types of shapes would reduce friction.

Clarification of the structure and operation of the device is required. However, applicant is cautioned against the introduction of new matter by amendment.

Claims 21 to 29 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 21, line 2, there is no antecedent basis for "the rotor". In line 3, there is no antecedent basis for "the base of said fan". In line 3, there are plural antecedents for "said bearing".

Art Unit: 3746

Claim 25 is improperly alternative.

Claim 26 is also improperly alternative. This claim is furthermore indefinite because it fails to clearly point out what structure of the ring forms the opening or gap. It is noted that a “ring” inherently has an opening by definition. Is this the “opening” to which the claim refers or is it another opening?

In claim 27, “mention in Claim 11” is redundant because claim 27 already depends on claim 11 (new claim 21).

Claim 28 recites ceramic materials in an alternative manner. Applicant may consider claiming these materials in Markush form.

In claim 29, line 2, there is no antecedent basis for “the rotor” and “the base of said fan”. In line 3, the “retaining ring” is recited in a structurally disconnected manner. That is, to what structure is the retaining ring connected?

Thorough revision of the claims is required in order to render them definite in form according to the statute.

The prior art could not be applied to the claims due to their indefiniteness and basis on a non-enabling disclosure.

### *Change of Inventorship*

In view of the papers filed November 4, 2003, it has been found that this nonprovisional application, as filed, through error and without deceptive intent, improperly set forth the inventorship, and accordingly, this application has been corrected in compliance with 37 CFR 1.48(a). The inventorship of this application has been changed by adding Edward Cheng.

The application will be forwarded to the Office of Initial Patent Examination (OIPE) for issuance of a corrected filing receipt, and correction of the file jacket and PTO PALM data to reflect the inventorship as corrected.

*Conclusion*

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

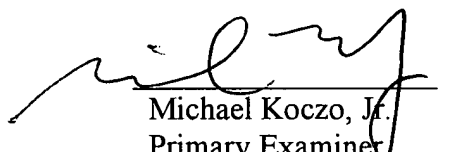
A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Applicant is reminded that in order to be fully responsive to an Office action, he must respond to every rejection and objection in said Office action and point out the alleged errors therein. Failure to do so may result in applicant's response being held non-responsive.

Any inquiry relating to the status of this application or proceeding should be directed to the Customer Service Office whose telephone number is 703-306-5648.

Art Unit: 3746

Any inquiry relating to patent applications in general should be directed to the Patent Assistance Center at 1-800-786-9199.



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January 12, 2004  
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